

By 

H.B. No. 1886

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to adopt a building, electrical, or plumbing code; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 7, Local Government Code, is amended by adding Chapter 237 to read as follows:

CHAPTER 237. BUILDING, ELECTRICAL, OR PLUMBING CODE IN COUNTY WITH
ECONOMICALLY DISTRESSED AREA

Sec. 237.001. DEFINITIONS. In this chapter:

(1) "Economically distressed area" has the meaning assigned by Section 16.341, Water Code.

(2) "Financial assistance" means the funds provided to political subdivisions for water supply or sewer services under Subchapter F, Chapter 15, or Subchapter K, Chapter 17, Water Code.

(3) "Political subdivision" has the meaning assigned by Section 16.341, Water Code.

Sec. 237.002. AUTHORITY TO ADOPT AND ENFORCE BUILDING, ELECTRICAL, AND PLUMBING CODE. (a) The commissioners court of a county in which a political subdivision has received financial assistance from the Texas Water Development Board under a program for economically distressed areas, may adopt a building, electrical, or plumbing code and may adopt rules necessary to administer and enforce those codes.

(b) The commissioners court and a municipality in the county

1 may contract with each other for the administration and enforcement
2 of any adopted code.

3 (c) An adopted code may apply only in the unincorporated
4 area in the county.

5 Sec. 237.003. CONTENT OF CODES. (a) A building,
6 electrical, or plumbing code adopted under this chapter may apply
7 to a commercial, residential, or public building constructed in an
8 unincorporated area of the county.

9 (b) An adopted building, electrical, or plumbing code may
10 not apply to an agricultural or ranch building situated on a tract
11 of land in the county that contains two or more acres.

12 (c) An adopted building code must conform to a national
13 building code adopted by the Southern Building Code Congress or the
14 Building Officials and Code Administrators International or must
15 establish protective measures that exceed those standards.

16 (d) An adopted electrical code must conform to the National
17 Electrical Code adopted by the National Fire Protection Association
18 or must establish protective measures that exceed those standards.

19 (e) An adopted plumbing code must conform to a national
20 plumbing code adopted by the Southern Building Code Congress or the
21 Building Officials and Code Administrators International or must
22 establish protective measures that exceed those standards.

23 Sec. 237.004. BUILDING PERMIT; APPLICATION. (a) A person
24 may not construct a building described by Section 237.003(a) in an
25 unincorporated area of the county unless the person obtains a
26 building permit issued in accordance with this chapter.

27 (b) A person may apply for a building permit by providing to

1 the commissioners court:

2 (1) a plan of the proposed building containing any
3 information required by the commissioners court; and

4 (2) an application fee in an amount set by the
5 commissioners court.

6 (c) Not later than the 30th day after the date the
7 commissioners court receives an application and fee in accordance
8 with Subsection (b), the commissioners court shall:

9 (1) issue the permit if the plan complies with all
10 applicable adopted codes; or

11 (2) deny the permit if the plan does not comply with
12 all applicable adopted codes.

13 (d) If the commissioners court receives an application and
14 fee in accordance with Subsection (b) and the commissioners court
15 does not issue or deny the permit not later than the 30th day after
16 the date the commissioners court receives the application and fee,
17 the construction of the building that is the subject of the
18 application is considered approved for purposes of this chapter.

19 Sec. 237.005. INSPECTIONS. (a) The county shall inspect a
20 building subject to this chapter to determine whether the building
21 complies with any adopted codes.

22 (b) The commissioners court may provide that a county
23 employee or an employee of another governmental entity under
24 intergovernmental contract may perform the inspection.

25 (c) A building inspector may enter and perform the
26 inspection at a reasonable time at any stage of the building's
27 construction or after completion of the building.

1 (d) On or before the date that construction of a building
2 subject to this chapter is completed, the owner of the building
3 shall request in writing that the county inspect the building for
4 compliance with any adopted codes.

5 (e) The county shall begin the inspection of the building
6 not later than the second day after the date of the county's
7 receipt of the written inspection request. If an inspection is
8 properly requested and the county does not begin the inspection
9 within the time permitted by this subsection, the building that is
10 the subject of the request is considered approved for purposes of
11 this chapter.

12 (f) The county shall issue a final certificate of compliance
13 to the owner of a building inspected under this section if the
14 inspector determines, after an inspection of the completed
15 building, that the building complies with an adopted fire code.

16 Sec. 237.006. FEES. (a) The commissioners court may
17 develop a fee schedule based on building type and may set and
18 charge fees for an inspection, for the issuance of a building
19 permit, and for a final certificate of compliance under this
20 chapter.

21 (b) The fees must be set in amounts necessary to cover the
22 cost of administering and enforcing this chapter.

23 (c) The county shall deposit fees received under this
24 chapter in a special fund in the county treasury. Money in the
25 special fund may be used only for the administration and
26 enforcement of adopted codes.

27 Sec. 237.007. INJUNCTION. The appropriate attorney

1 representing the county in the district court may seek injunctive
2 relief against the owner, the owner's representative with control
3 over the building, or the occupier of a building that the county
4 determines violates an adopted code to prevent the violation or
5 threatened violation of the code.

6 Sec. 237.008. CIVIL PENALTY. (a) The appropriate attorney
7 representing the county in civil cases may file a civil action
8 against the owner or the owner's representative with control over a
9 building that the county determines violates an adopted code in a
10 court of competent jurisdiction to recover from the owner or
11 representative a civil penalty in an amount not to exceed \$200 for
12 each day on which the violation exists. In determining the amount
13 of the penalty, the court shall consider the seriousness of the
14 violation.

15 (b) The county shall deposit amounts collected under this
16 section in the special fund described by Section 237.006(c).

17 SECTION 2. This Act takes effect September 1, 1991.

18 SECTION 3. The importance of this legislation and the
19 crowded condition of the calendars in both houses create an
20 emergency and an imperative public necessity that the
21 constitutional rule requiring bills to be read on three several
22 days in each house be suspended, and this rule is hereby suspended.

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MAR 6 1991

1. Filed with the Chief Clerk.

MAR 20 1991

2. Read first time and Referred to Committee on

COUNTY AFFAIRS

3. Reported _____ favorably (as amended) and sent to Printer at _____
(as substituted)

4. Printed and distributed at _____

5. Sent to Committee on Calendars at

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

12. Ordered Engrossed at _____

13. Engrossed.

14. Returned to Chief Clerk at _____

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on _____

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by _____
(a viva voce vote.)
(_____ years, _____ days.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments.)
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____